

**REMARKS**

Upon entry of the foregoing amendments claims 5, 27-33, 35-41, and 43 are pending in the application with claims 5, 27, and 36 being independent claims. Claims 1-4, 6-26, 34, and 42 have been canceled and claims 44-46 have been withdrawn without prejudice to or disclaimer of the subject matter therein. Claims 5, 27-33, and 35 were previously allowed. Claims 36-41 and 43 are amended. No new subject matter has been added. Claim 36 has been amended to include the subject matter of claim 42, and claims 37-41 and 43 have been amended for consistency. Applicant respectfully requests that the Examiner withdraw all outstanding rejections in view of the following remarks.

***The Claims Comply with the Written Description Requirement***

Claims 41 and 43 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner indicated that the claims contained subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Although the Applicant submits that the Detailed Description includes sufficient support for all of the subject matter contained in claims 41 and 43, claims 41 and 43 have been amended to further the prosecution of this case. Therefore, the rejection under 35 U.S.C. § 112, first paragraph, has been rendered moot.

***The Claims are Allowable Over the Faris Publication***

Claims 36-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. US 2003/0047688 to Faris et al. (hereafter “the Faris publication”). These claims are patentable for the reasons discussed below.

Independent claim 36 has been amended to include the subject matter from its dependent claim 42. Claim 42, now canceled, had been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. As amended, claim 36 now

recites modifying at least one of a direction, a velocity, or an acceleration of a second droplet using the optical field. Independent claim 36 further recites that the second droplet is disposed, after the modifying, on a waste surface different from and proximate to the surface of the medical device. The Faris publication is entirely silent with respect to a waste surface different from a medical device and silent with respect to disposing an entire droplet on a waste surface.

For at least on the reasons stated above, the Applicant respectfully submits that independent claim 36 is allowable over the Faris publication. Based at least on their dependence upon independent claim 36, dependent claims 37-40 are also allowable.

Thus, Applicant respectfully requests that the rejection under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

## **CONCLUSION**

Applicant believes that a full and complete response has been made to the outstanding objections and rejections and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that further personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided. Prompt and favorable consideration of the Amendments to the claims, title, and specification are respectfully requested.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

Dated: February 21, 2008

COOLEY GODWARD KRONISH LLP  
ATTN: Patent Group  
777 6<sup>th</sup> Street NW, Suite 1100  
Washington, DC 20001  
(703) 456-8000  
Fax: (202) 842-7899

By:

Respectfully submitted,  
**COOLEY GODWARD KRONISH LLP**

  
\_\_\_\_\_  
Christopher R. Hutter  
Reg. No. 41,087